

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN RE VALVE ANTITRUST LITIGATION

Case No. 2:21-cv-00563-JCC

**DECLARATION OF GAVIN W. SKOK  
IN SUPPORT OF VALVE'S MOTION  
TO SEAL**

I, Gavin W. Skok, declare and state as follows in support of Defendant Valve Corporation's ("Valve") Motion to Seal:

1. I am an attorney representing Valve Corporation in the above-captioned matter. I am over the age of 18, competent to testify, and have personal knowledge of the facts stated below.

2. Valve seeks to seal the following documents and information, which are collectively referred to in this Declaration and in Valve's Motion to Seal as the "Sealed Materials":

- Exhibits 4-10, 12-14, and 16 to the Declaration of Stephanie L. Jensen in Support of Dark Catt Plaintiffs' LCR 37 Submission Regarding Request for Production No. 79 ("Jensen Decl.") in their entirety;

- Exhibits A and B to the Declaration of Gavin W. Skok in Support of Valve’s Opposition to the LCR Submission Regarding Plaintiffs’ Motion to Compel Request for Production 79 (“Skok Decl.”) in their entirety;
- The unredacted version of the Skok Decl.;
- Declaration of Scott Lynch in Support of Valve’s Opposition to the LCR Submission Regarding Plaintiffs’ Motion to Compel Request for Production No. 79 (“Lynch Decl.”) in its entirety; and
- The unredacted version of the parties’ LCR 37 Submission Regarding Plaintiffs’ Motion to Compel Request for Production No. 79: Valve Corp’s 2012–22 Tax Returns.

3. The Sealed Materials were either previously designated as “HIGHLY CONFIDENTIAL – ATTORNEY’S EYES ONLY” MATERIAL or contain information designated as “HIGHLY CONFIDENTIAL – ATTORNEY’S EYES ONLY” pursuant to the Stipulated Protective Order (Dkt. #95). Also, as described in the accompanying Declaration of Chris Schenck, these documents contain Valve’s highly confidential, trade secret, and proprietary information.

4. Pursuant to Local Rule 5(g)(3)(A), I met and conferred by telephone with Plaintiffs’ counsel, Stephanie Jensen, on October 27, 2023, in a good faith attempt to reach agreement on the need to file the Sealed Materials under seal, to minimize the amount of material filed under seal, and to explore redaction and other alternatives to filing under seal.

5. Plaintiffs told Valve they do not oppose Valve’s motion to seal.

6. The confidentiality of, and basis for sealing of, the Sealed Materials are further established in the accompanying Declaration of Chris Schenck in Support of Valve Corporation’s Motion to Seal.

7. The parties cooperated in preparation of a redacted version of the LCR 37 Submission Regarding Plaintiffs’ Motion to Compel Request for Production No. 79: Valve

1 Corp's 2012–22 Tax Returns ("Plaintiffs' Motion to Compel"). In the redacted version,  
2 Valve carefully redacted only the portions of the brief related to Plaintiffs' Motion to Compel  
3 that disclosed Valve's confidential financial, accounting, and business strategy information.  
4 Valve also prepared a redacted version of the Skok Declaration that redacts only the portions  
5 disclosing confidential financial and accounting information.

6 8. The remainder of the Sealed Materials were filed under seal in their entirety  
7 because they contain an overwhelming amount of highly confidential financial, accounting,  
8 and business strategy information, which made redacting impractical or impossible.

9 9. Less restrictive alternatives would not sufficiently protect Valve's confidential  
10 information.

11  
12 I declare under penalty of perjury under the laws of the United States that the  
13 foregoing is true and correct.

14 Executed on this 30<sup>th</sup> day of October, 2023 at Seattle, Washington.

15  
16 s/ Gavin W. Skok  
Gavin W. Skok  
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**CERTIFICATE OF SERVICE**

I certify that I am a secretary at the law firm of Fox Rothschild LLP in Seattle, Washington. I am a U.S. citizen over the age of eighteen years and not a party to the within cause. On the date shown below, I caused to be served a true and correct copy of the foregoing on counsel of record for all other parties to this action as indicated below:

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*Executive Committee*

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED this 30<sup>th</sup> day of October, 2023, in Seattle, Washington.

  
 Courtney R. Brooks